

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPERION THERAPEUTICS, INC.,

Plaintiff,

-against-

DAIICHI SANKYO EUROPE GMBH,

Defendant.

No. 1:23-cv-02568-ER

Oral Argument Requested

**NOTICE OF ESPERION THERAPEUTICS, INC.'S MOTION FOR
JUDGMENT ON THE PLEADINGS**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, dated October 25, 2023 and all prior pleadings and proceedings herein, Plaintiff Esperion Therapeutics, Inc. respectfully moves this Court, before the Honorable Edgardo Ramos, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for on Order pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, granting judgment on the pleadings for Plaintiff.

PLEASE TAKE FURTHER NOTICE that pursuant to this Court's Minute Entry of October 18, 2023, opposition papers must be served and filed on or before Wednesday, November 15, and reply papers must be served and filed on or before Wednesday, November 22.

Dated: New York, New York
October 25, 2023

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Orin Snyder

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